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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/090,754	06/04/98	SRIVASTAVA	P 8449-041

020583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711

HM22/0705

EXAMINER

BANSAL, G

ART UNIT	PAPER NUMBER
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1642

10

DATE MAILED:

07/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/090754

Applicant(s)

Srivastava

Examiner

Elyette Banaal

Group Art Unit

1642

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE — 3 — MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4/14/00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 60-69, 71-89 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 60-69, 71-89 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

1. Applicant's amendment filed April 14, 2000 (Paper No:9/B) is acknowledged. Accordingly, claims 70 has been cancelled and claims 60-62, 65-66, 71-77 have been amended, claims 78-89 are added.

Claims 60-69, 71-89 are being examined.

2. In the Remarks Section Applicant erroneously indicated that claims 60-88 are pending, when it is claims 60-69, and 71-89 which are pending as claim 70 was cancelled and claim 89 has also been added.

3. The claims are drawn to a method of purifying heat shock protein 70-peptide complexes from a cell comprising the steps of binding cellular proteins to an ADP-agarose matrix and eluting the bound material with a buffer containing ADP. The claims are also drawn to an invitro method of producing heat shock protein 70-peptide complexes comprising adding heat shock protein 70 and peptide together to a buffer containing ADP to form the complexes, as well as to the ADP-heat shock protein 70-peptide complex.

Response to arguments:

4. Rejection of claims 62-77 are under 35 U.S.C. 112, second paragraph, and of claims 62-67, 76-77 under 35 U.S.C. 112, second paragraph are withdrawn in view of the amendment to the claims.

New Grounds of Rejection

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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6. Claims 62-69, 71-89 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. Claims 62-63, 65, 78, 89 are indefinite in that it is not clear what heat shock protein (hsp) 70 complexes are being referred to as this could also be interpreted to include complexes of hsp molecules and do peptides and proteins that are also hsps complex with other hsps in the intended claims?

B. Claims 63-64, 67, 78, 89 do not further limit the parent claims 62, 65 as the claims are broadly drawn to all hsps other than hsp 70 also.

C. Claim 72-75, 85-88 are ambiguous in that it is not clear what is meant by a peptide from the same or different individual, organism or species. Does it refer to a peptide that in the indicated individual, species or organism is bound to hsp 70 in its in vivo state?

D. Claims 76-77 are indefinite in that it is not clear how the HSP70-peptide complexes are separated from the heat shock protein 70-protein complexes which will also presumably be formed in the method used, since the claims are drawn to the ADP-hsp 70-peptide complex only.

E. The metes and bounds of "substantially" are not clear in claims 68, 82.

7. Papers related to this application may be submitted to Group 1640 by facsimile transmission. Papers should be faxed to Group 1640 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 308-4242 or (703) 305-3014.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Geetha P. Bansal whose telephone number is (703) 305-3955. The

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examiner can normally be reached on Mondays to Thursdays from 7:00am to 4:30pm and alternate Fridays from 7:00am to 3:30pm. A message may be left on the examiner's voice mail service.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Anthony Caputa, can be reached on (703) 308-3995.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

June 30, 2000


GEETHA P. DANSAL
PATENT EXAMINER